

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

**SCOTT TURNAGE , CORTEZ D. BROWN, §
DEONTAE TATE, JEREMY S. MELTON, AUBREY §
BROWN, ADMINISTRATOR AD LITEM FOR §
ESTATE OF ISSACCA POWELL, KEITH §
BURGESS, TRAVIS BOYD, TERRENCE DRAIN, §
and KIMBERLY ALLEN on behalf of themselves and §
all similarly situated persons, §**

Plaintiffs,

V.

BILL OLDHAM, in his individual capacity as former Sheriff of Shelby County, Tennessee; **FLOYD BONNER, JR.**, in his official capacity as Sheriff of Shelby County, Tennessee; **ROBERT MOORE**, in his individual capacity as former Jail Director of Shelby County, Tennessee; **KIRK FIELDS**, in his official capacity as Jail Director of Shelby County, Tennessee; **CHARLENE MCGHEE**, in her individual capacity as former Assistant Chief of Jail Security of Shelby County, Tennessee; **REGINALD HUBBARD**, in his official capacity as Assistant Chief of Jail Security of Shelby County, Tennessee; **DEBRA HAMMONS**, in her individual capacity as former Assistant Chief of Jail Programs of Shelby County, Tennessee; **TIFFANY WARD** in her official capacity as Assistant Chief of Jail Programs of Shelby County, Tennessee; **SHELBY COUNTY, TENNESSEE**, a Tennessee municipality; **TYLER TECHNOLOGIES, INC.**, a foreign corporation; **GLOBAL TEL*LINK CORPORATION**, a foreign corporation; **SOFTWARE AG USA, INC.**, a foreign corporation; **SIERRA-CEDAR, INC.**, a foreign corporation, **SIERRA SYSTEMS GROUP, INC.**, a foreign corporation; and **TETRUS CORP**, a foreign corporation

Defendants.

**JOINT MOTION TO EXTEND MEDIATION DEADLINE IN THIRD AMENDED
SCHEDULING ORDER WITH SUPPORTING MEMORANDUM**

COME NOW Plaintiffs and all Defendants, (collectively, the “Parties”) and submit their Joint Motion to Extend Mediation Deadline in the Third Amended Scheduling Order. The Parties respectfully request that the Court amend the existing Third Amended Scheduling Order (Doc. 327), by extending the deadline stated therein for mediation until December 18, 2020. In support thereof, the parties show the following:

1. This matter is a possible class action. Plaintiffs filed their Fifth Amended Class Action Complaint on February 26, 2019, adding three new defendants to this action—Global Tel*Link Corporation, Sierra-Cedar, Inc., and Software AG USA, Inc. In light of the addition of these three new Defendants, the parties moved to amend initial Scheduling Order (Doc. 184), which the Court granted. (Doc. 186).

2. On May 1, 2019, Plaintiffs filed a Sixth Amended Complaint, which added a new Defendant—Sierra Systems Group, Inc. Thereafter, on June 19, 2019, Plaintiffs filed a Seventh Amended Complaint to add another new Defendant—Tetrus Corp. On July 12, 2019, Sierra Systems Group filed an Answer. On August 6, 2019, Tetrus filed an Answer. On September 5, 2019, the parties filed a Joint Motion for Second Amended Scheduling Order (Doc. 242), which was granted on September 9, 2019 (Doc. 244).

3. On March 2, 2020, Defendants filed a Motion to Amend the Scheduling Order (Doc. 288), which was set for hearing before the Honorable Magistrate Judge Pham on May 28, 2020, along with several other related motions. On May 29, 2020, Judge Pham entered an order (Doc. 325) directing the parties to proceed with certain depositions and to submit an agreed amended scheduling order.

4. On June 4, 2020, the parties submitted an agreed Third Amended Scheduling Order (Doc. 326), which was entered by Judge Pham on June 4, 2020 (Doc. 327). The Third Amended

Scheduling Order included a deadline for mediation to be conducted on or before October 30, 2020.

5. Following the entry of the Third Amended Scheduling Order, the parties have worked diligently to complete depositions in this matter. To date, Plaintiffs have deposed seven (7) witnesses and have requested five (5) additional depositions. The parties have stipulated that Plaintiffs can exceed the 10-deposition limit in Federal Rule of Civil Procedure 30 in order to complete these additional five (5) depositions. Defendants have also completed the depositions of seven (7) of the nine (9) putative class representatives and are attempting to schedule the deposition of one additional named class representative, who may be currently incarcerated. Defendants have been advised that Cortez Brown, the other named putative class representative, has died. Each of these depositions has been conducted virtually and has required significant coordination among numerous counsel.

6. Under the circumstances, the parties agree that an extension of the current October 30, 2020 mediation deadline would allow the parties to complete the contemplated depositions, thereby ensuring a more productive mediation.

7. Extending the mediation deadline will not unreasonably delay this matter as no trial date has been set in this case. Nor do the parties anticipate at this time that this extension will impact the other deadlines in the Third Amended Scheduling Order.

8. Rule 6(b) of the Federal Rules of Civil Procedure states that “when an act must be done within a specified time, the court may, for good cause, extend the time...” Fed. R. Civ. P. 6(b)(1)(A). The Parties respectfully submit that the foregoing stated facts constitute “good cause” for amending the existing scheduling order in this case to extend the mediation deadline to December 18, 2020.

WHEREFORE, PREMISES CONSIDERED, the Parties respectfully request that this Honorable Court amend the existing Third Amended Scheduling Order (Doc. 327) to extend the mediation deadline to December 18, 2020, in order to allow sufficient time for the parties to complete class discovery in an orderly and efficient manner.

Dated: October 19, 2020

Respectfully submitted,

/s/ Frank L. Watson

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on October 19, 2020, a true and correct copy of the foregoing document was forwarded by email to all counsel of record via CM/ECF or email.

/s/ Bradley E. Trammell